



Atty Dkt. No.: UCAL246
USSN: 10/753,266

EXPRESS MAIL NO. EV333997176US

| | | |
|--|-------------------------------------|--------------------------------------|
| PETITION UNDER 37 C.F.R. § 1.47(a) Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Attorney Docket Confirmation No. | UCAL246 6594 |
| | First Named Inventor | James D. Murray |
| | Application Number | 10/753,266 |
| | Filing Date | January 7, 2004 |
| | Group Art Unit | 1632 |
| | Examiner Name | Unassigned |
| | Title | <i>Lysozyme transgenic ungulates</i> |

PETITION UNDER 37 C.F.R. § 1.47(a)

This is a petition under 37 C.F.R. § 1.47(a) to file the above captioned application by inventors James D. Murray, Gary B. Anderson, and Elizabeth A. Maga on behalf of David A. Zarling and Sushma Pati, who cannot be located.

Enclosed with this petition please find the following:

- Oath or declaration in accordance with MPEP 409.03(a) by all available inventors, i.e. James D. Murray, Gary B. Anderson, and Elizabeth A. Maga, on behalf of non-signing inventors David A. Zarling and Sushma Pati.
- Declaration by the undersigned, which demonstrates that non-signing inventors cannot be found despite attempts to locate them.

The last known address of record for non-signing inventors David A. Zarling and Sushma Pati is:

Pangene Corporation
5500 Stewart Ave.
Fremont, CA 94538

If, in the opinion of the Examiner, a telephonic interview would expedite prosecution of this application, the Examiner is invited to contact the undersigned at (650) 327-3400.

07/09/2004 AWONDAF1 00000071 500815 10753266

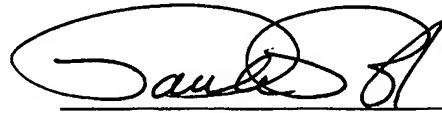
02 FC:1460 130.00 DA

If the Patent Office determines that fees, including extensions of time, are required, the Applicants hereby petition for any required relief, including extensions of time, and authorized the Commissioner to charge the cost of such to our Deposit Account No. 50-0815.

Respectfully Submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: July 1, 2004



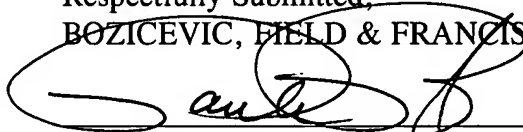
Paula A. Borden
Reg. No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

3. On April 6, 2004, our office sent an electronic mail (e-mail) correspondence to our client, requesting the last known address for David A. Zarling and Sushma Pati. The response to our request indicated that the last known address was Pangene Corporation, 5500 Stewart Ave., Fremont, CA 94538. A copy of this e-mail is attached as Exhibit B.
4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such will false statements may jeopardize the validity of the application or any patent issuing thereon.

July 1, 2004
Date

Respectfully Submitted,
BOZICEVIC, FIELD & FRANCIS LLP


Paula A. Borden
Registration No. 42,344



Atty Dkt. No.:UCAL-246
USSN: 10/753,266

| EXPRESS MAIL NO. EV333997176US | | |
|---|----------------------------------|--------------------------------------|
| DECLARATION UNDER MPEP § 409.03(d) Address to: Commissioner for Patents Alexandria, VA 22313-1450 | Attorney Docket Confirmation No. | UCAL246 6594 |
| | First Named Inventor | MURRAY |
| | Application Number | 10/753,266 |
| | Filing Date | January 7, 2004 |
| | Group Art Unit | 1632 |
| | Examiner Name | To Be Assigned |
| | Title | <i>LYSOZYME TRANSGENIC UNGULATES</i> |

Dear Sir:

I, Paula A. Borden, am the agent who prepared the above captioned application and filed it with the U.S. Patent Office. I hereby declare as follows:

1. The above captioned application was filed on January 7, 2004 claiming priority to U.S. Provisional Patent Application serial no. 60/480,356 filed on June 20, 2003, and U.S. Provisional Patent Application serial no 60/439,150, filed January 9, 2003.
2. On May 27, 2004, I sent a letter directly to David A. Zarling and Sushma Pati by Federal Express at their last known address with Declaration documents for their signature. A copy of these letters and the tracking information, is enclosed as Exhibit A. The documents and letters were returned to me, with an indication that they could not be delivered because no such company named Pangene Corporation was at the address provided.

From: Origin ID: (650)833-7777
CINDY K HOANG
BOZICEVIC, FIELD & FRANCIS
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025



Ship Date: 27MAY04
Actual Wgt: 1 LB
System#: 4045990/INET1800
Account#: S *****

REF: UCAL-246



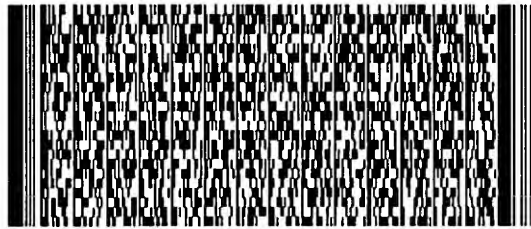
Delivery Address Bar Code

SHIP TO: (510)360-9100

BILL SENDER

DAVID ZARLING
PANGENE CORPORATION
5500 STEWART AVE.

FREMONT, CA 94538



STANDARD OVERNIGHT

FRI

Deliver By:
28MAY04

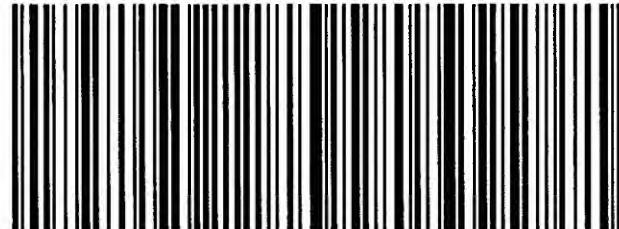
TRK# 7920 0925 9450

FORM
0201

OAK A2

94538 -CA-US

WA HWDA



Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

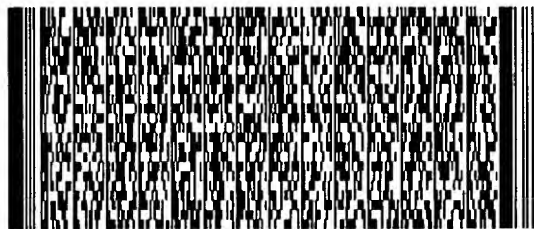
From: Origin ID: (650)833-7777
CINDY K HOANG
BOZICEVIC, FIELD & FRANCIS
200 MIDDLEFIELD RD
SUITE 200
MENLO PARK, CA 94025



Ship Date: 27MAY04
Actual Wgt: 1 LB
System#: 4045990/INET1800
Account#: S *****

SHIP TO: (510)360-9100 **BILL SENDER**
SUSHMA PATI
PANGENE CORPORATION
5500 STEWART AVE.

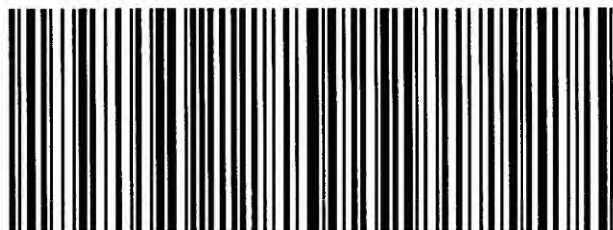
FREMONT, CA 94538



REF:



Delivery Address Bar Code

STANDARD OVERNIGHT**FRI**TRK# **7926 5022 3410**FORM
0201Deliver By:
28MAY04**OAK****A2****94538 -CA-US****WA HWDA**

Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

[United States Home](#)[Information Center](#) | [Customer Support](#)[Package / Envelope Services](#)[Office / Print Services](#)[Freight Services](#)[Expedited Services](#)[Ship](#)[Track](#)[Rates](#)[Pickup](#)[Locations](#)[Transit Time](#)[International](#)Track Shipments
Detailed Results [Printable Version](#) [Quick Help](#)Tracking number 792005409169
Ship date May 21, 2004Reference number UCAL-246
Delivery location FREMONT CA
Service type Standard Envelope

You can also track:

- [By Alternate](#)
- [By Email](#)
- [TCN \(Gov't\)](#)

Track other FedEx

- [FedEx Customer shipments](#)
- [FedEx Trad shipments](#)
- [International](#)

| Date/time | Status | Location | Comments |
|----------------------|---|---------------|------------------------------|
| May 26, 2004 1:51 pm | Package status | UNION CITY CA | Pkg returned to shipper |
| May 25, 2004 8:35 pm | Package status | UNION CITY CA | Package in FedEx location |
| May 24, 2004 8:35 pm | Package status | UNION CITY CA | Package in FedEx location |
| May 22, 2004 8:20 am | Delivery attempt | UNION CITY CA | Incorrect address |
| May 22, 2004 1:00 pm | Package status | UNION CITY CA | Package not due for delivery |
| | 7:07 am Left FedEx Sort Facility | OAKLAND CA | |
| | 6:45 am Arrived at FedEx Destination Location | UNION CITY CA | |
| May 21, 2004 9:37 pm | Arrived at Sort Facility | OAKLAND CA | |
| | 6:07 pm Left FedEx Origin Location | MENLO PARK CA | |
| | 4:40 pm Picked up by FedEx | MENLO PARK CA | |

[Wrong Address?](#)
Reduce future mistakes
[FedEx Address Checker](#)

[Shipping Freight?](#)
FedEx has [LTL](#), [air surface](#) and [air exp](#)
[multi piece packages](#)
and [ocean freight](#).

[Signature proof](#)[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From

To

Add a message to this email.

[Send email](#)

[Global Home](#) | [Service Info](#) | [About FedEx](#) | [Investor Relations](#) | [Careers](#) | [fedex.com Terms of Use](#) | [Privacy Policy](#)

This site is protected by copyright and trademark laws under US and International law. All rights reserved. © 1995-2004 FedEx

[United States Home](#)[Information Center](#) | [Customer Supp](#)

Package / Envelope Services

Office / Print Services

Freight Services

Expedited Servi

Ship

Track

Rates

Pickup

Locations

Transit Time

Internatic

Track Shipments
Detailed Results [Printable Version](#) [Quick Help](#)Tracking number 790648603390
Ship date May 21, 2004Reference number ucal-246
Delivery location FREMONT CA
Service type Standard Envelope

You can also track:

- [By Alternate](#)
- [By Email](#)
- [TCN \(Gov't](#)

Track other FedEx

- [FedEx Cust](#)
- [FedEx Trad](#)
- [Internationa](#)

| Date/time | Status | Location | Comments |
|----------------------|--------------------------|---------------|---------------------------------------|
| May 26, 2004 1:51 pm | Package status | UNION CITY CA | Pkg returned to shipper |
| May 25, 2004 8:35 pm | Package status | UNION CITY CA | Package in FedEx location |
| May 24, 2004 8:35 pm | Package status | UNION CITY CA | Package in FedEx location |
| May 22, 2004 8:20 am | Delivery attempt | UNION CITY CA | Incorrect address |
| May 22, 2004 1:00 pm | Package status | UNION CITY CA | Package not due for delivery |
| | 7:07 am | OAKLAND CA | Left FedEx Sort Facility |
| | 6:45 am | UNION CITY CA | Arrived at FedEx Destination Location |
| May 21, 2004 9:37 pm | Arrived at Sort Facility | OAKLAND CA | |
| | 6:07 pm | MENLO PARK CA | Left FedEx Origin Location |
| | 4:40 pm | MENLO PARK CA | Picked up by FedEx |

[Wrong Address?](#)
[Reduce future mistal](#)
[FedEx Address Che](#)Shipping Freight?
FedEx has [LTL](#), [air](#)
[surface](#) and [air exp](#)
[multi piece packag](#)
and [ocean freight](#).

Signature proof

Track more shipments

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.From
To

Add a message to this email.

Send email

[Global Home](#) | [Service Info](#) | [About FedEx](#) | [Investor Relations](#) | [Careers](#) | [fedex.com Terms](#)
[of Use](#) | [Privacy Policy](#)

This site is protected by copyright and trademark laws under US and International law. All rights reserved. © 1995-2004 FedEx

BOZICEVIC, FIELD & FRANCIS LLP

INTELLECTUAL PROPERTY LAW

200 MIDDLEFIELD ROAD, SUITE 200
MENLO PARK, CALIFORNIA 94025

TELEPHONE (650) 327-3400
FACSIMILE (650) 327-3231

May 20, 2004

Barbara Boczar, Ph.D., J.D.
Senior Intellectual Property Officer
University of California, Davis
508 Second Street, Suite 202
Regency Square, Davis, California 95616-4664

Re: U.S. Application Serial No. 10/753,266 for
"LYSOZYME TRANSGENIC UNGULATES"
First Named Inventor: MURRAY, JAMES D.
Your Reference: 2000-396-2
Our Reference: UCAL-246

Dear Dr. Boczar:

Enclosed is a copy of a Notice to File Missing Parts of Application which we have received from the U.S. Patent Office in connection with the above-captioned application.

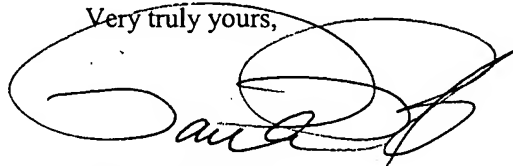
The Patent Office requires that we now file executed formal papers. To that end, we enclose an **updated** Declaration and Assignment to be signed by the inventors where indicated and returned to us.

These documents should be signed and dated in blue ink. The Declaration and Assignment documents should reflect the inventors' full, correctly spelled, legal names, current residential address, and country of citizenship. Any errors in these documents can be corrected by the individual providing the correction in ink, and initialing and dating the correction. Any corrections made without initialing and dating the corrections will render the documents useless.

Once the documents are signed and dated, please **return them to us before the due date of June 4, 2004 to avoid further extension fees.** We will file the documents in the U.S. Patent Office with our Response to the Notice to File Missing Parts as soon as they are returned to us.

Please call me with any questions or comments you may have regarding this matter. I can be reached by telephone at (650) 833-7710 or by email at borden@bozpat.com.

Very truly yours,



Paula A. Borden

Enclosures

cc (w/encl.): James Murray
Gary Anderson
Elizabeth Maga
Linda Stevenson
Sushma Pati
David A. Zarling

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

TITLE OF INVENTION: **LYSOZYME TRANSGENIC UNGULATES**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. **10/753,266**, filed on **January 7, 2004**,

☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application, if applicable; and.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: **MURRAY, JAMES D.**

Signature: _____ Citizen of: **USA**

Inventor two: **ANDERSON, GARY B.**

Signature: _____ Citizen of: **USA**

Inventor two: **MAGA, ELIZABETH A.**

Signature: _____ Citizen of: **USA**

Inventor two: **PATI, SHUSHMA**

Signature: _____ Citizen of: _____

Inventor three: **ZARLING, DAVID A.**

Signature: _____ Citizen of: _____

BOZICEVIC, FIELD & FRANCIS LLP

INTELLECTUAL PROPERTY LAW

200 MIDDLEFIELD ROAD, SUITE 200
MENLO PARK, CALIFORNIA 94025

TELEPHONE (650) 327-3400
FACSIMILE (650) 327-3231

May 20, 2004

Barbara Boczar, Ph.D., J.D.
Senior Intellectual Property Officer
University of California, Davis
508 Second Street, Suite 202
Regency Square, Davis, California 95616-4664

Re: U.S. Application Serial No. 10/753,266 for
"LYSOZYME TRANSGENIC UNGULATES"
First Named Inventor: MURRAY, JAMES D.
Your Reference: 2000-396-2
Our Reference: UCAL-246

Dear Dr. Boczar:

Enclosed is a copy of a Notice to File Missing Parts of Application which we have received from the U.S. Patent Office in connection with the above-captioned application.

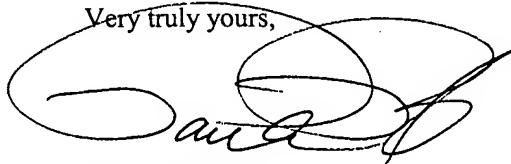
The Patent Office requires that we now file executed formal papers. To that end, we enclose an **updated** Declaration and Assignment to be signed by the inventors where indicated and returned to us.

These documents should be signed and dated in blue ink. The Declaration and Assignment documents should reflect the inventors' full, correctly spelled, legal names, current residential address, and country of citizenship. Any errors in these documents can be corrected by the individual providing the correction in ink, and initialing and dating the correction. Any corrections made without initialing and dating the corrections will render the documents useless.

Once the documents are signed and dated, please **return them to us before the due date of June 4, 2004 to avoid further extension fees.** We will file the documents in the U.S. Patent Office with our Response to the Notice to File Missing Parts as soon as they are returned to us.

Please call me with any questions or comments you may have regarding this matter. I can be reached by telephone at (650) 833-7710 or by email at borden@bozpat.com.

Very truly yours,



Paula A. Borden

Enclosures

cc (w/encl.): James Murray
Gary Anderson
Elizabeth Maga
Linda Stevenson
Sushma Pati
David A. Zarling

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

TITLE OF INVENTION: **LYSOZYME TRANSGENIC UNGULATES**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or
☒ Application No. 10/753,266 filed on January 7, 2004.

☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application, if applicable; and.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: MURRAY, JAMES D.

Signature: _____ Citizen of: USA

Inventor two: ANDERSON, GARY B.

Signature: _____ Citizen of: USA

Inventor two: MAGA, ELIZABETH A.

Signature: _____ Citizen of: USA

Inventor two: PATI, SHUSHMA

Signature: _____ Citizen of: _____

Inventor three: ZARLING, DAVID A.

Signature: _____ Citizen of: _____

From: Jeannie Camara <jlcamara@Research.UCDavis.Edu>
To: 'Cindy Hoang' <Hoang@bozpat.com>
Date: 4/6/04 4:27PM
Subject: RE: UC Case Number: 2000-396

Hi Cindy,

The last known address we have for Shushma Pati and David Zwerling was
Pangene Corporation, 5500 Stewart Avenue Fremont CA 94538. Tel (510)
360-9100.

Best regards,

Jeannie

-----Original Message-----

From: Cindy Hoang [mailto:Hoang@bozpat.com]
Sent: Tuesday, April 06, 2004 1:10 PM
To: jlcamara@ucdavis.edu
Subject: UC Case Number: 2000-396

Hi Jeannie,

I am in the process of adding Sushma Pati and David Zarling as inventors to the UC case no. 2000-396 application. Could you give me their mailing and home address as well as their citizenship information?
Please let me know if you have any questions.

Thank you,
Cindy Hoang
Assistant to Paula A. Borden
(650) 833-7777